

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

HEALTHCALL OF DETROIT,  
INC., a Michigan corporation,

Plaintiff,

v

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,

Defendant.

USDC Case No. 05 CV-74434  
Hon. Robert Cleland  
Magistrate Judge Steven Whalen

CRAIG A. ARONOFF (P57997)  
Attorney for Plaintiff  
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JAMES F. HEWSON (P27127)  
RAYMOND J. WILLIAMS (P68558)  
Attorneys for Defendant  
29900 Lorraine, Suite 100  
Warren, MI 48093  
(586) 578-4500

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**DEFENDANT'S MOTION TO VACATE REFERENCE TO MAGISTRATE JUDGE  
AND REASSIGN CASE TO DISTRICT COURT JUDGE CLELAND**

**NOW COMES** the Defendant, State Farm Mutual Automobile Insurance Company, by and through its attorneys, Hewson & Van Hellemont, and for its Motion to Vacate Reference to Magistrate Judge and Reassign Case to District Court Judge Cleland pursuant to FRCivP 73 and 28 U.S.C. §636(c) states as follows:

1. That the present action seeks the recovery of allegedly owed no-fault benefits by a purported medical provider.
2. That during the pretrial conference in the above-captioned litigation the parties consented to the exercise of jurisdiction by a United State Magistrate Judge in accordance with FRCivP 73 and 28 U.S.C. §636(c) on March 30, 2006. (**Exhibit 1**)

3. That the parties consented to the jurisdiction of the Magistrate Judge under the belief that the proceedings would revolve around a factual dispute between the parties.
4. Since the initial pretrial conference, extensive discovery has taken place between the parties and developed issues much larger in scope than those originally anticipated by the parties when agreeing to the jurisdiction of the Magistrate Judge.
5. That the amount in controversy in the present matter may exceed One-Million dollars (\$1,000,000.00).
6. That the depth and scope of the legal and factual issues involved in the present litigation require the attention of the District Court Judge and present "good cause" to vacate the reference to the Magistrate Judge and revest jurisdiction to District Court Judge Robert Cleland pursuant to 28 U.S.C. §636(c)(4).

**WHEREFORE**, Defendant, State Farm Mutual Automobile Insurance Company, respectfully requests that this Honorable Court grant Motion to Vacate Reference to Magistrate Judge and Reassign Case to District Court Judge Cleland pursuant to FRCivP 73 and 28 U.S.C. §636(c).

Respectfully submitted,

Dated: February 1, 2007

s/ Raymond J. Williams  
**Hewson & Van Hellemont, P.C.**  
Attorney for Defendant  
29900 Lorraine, Suite 100  
Warren, MI 48093  
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(P68558)

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**Brief in Support**

28 U.S.C. §636(c)(4) states expressly:

(4) The court may, for good cause shown on its own motion, or under extraordinary circumstances shown by any party, vacate a reference of a civil matter to a magistrate [magistrate judge] under this subsection.

That during the pretrial conference in the above-captioned litigation the parties consented to the exercise of jurisdiction by a United State Magistrate Judge in accordance with FRCivP 73 and 28 U.S.C. §636(c) on March 30, 2006. That the parties consented to

the jurisdiction of the Magistrate Judge under the belief that the proceedings would revolve around a factual dispute between the parties.

Since the initial pretrial conference, extensive discovery has taken place between the parties and developed issues much larger in scope than those originally anticipated by the parties when agreeing to the jurisdiction of the Magistrate Judge. That the amount in controversy in the present matter may exceed One-Million dollars (\$1,000,000.00).

Specifically, the issues involved in the present matter require an intricate knowledge of several provisions of the Michigan No-Fault Act and its accompanying case law. Upon information and belief, both parties intend to file extensive Summary Judgment motions regarding these issues that require the attention and expertise of the District Judge.

The depth and scope of the legal and factual issues involved in the present litigation require the attention of the District Court Judge and present "good cause" to vacate the reference to the Magistrate Judge and re-vest jurisdiction to District Court Judge Robert Cleland pursuant to 28 U.S.C. §636(c)(4).

**WHEREFORE**, Defendant, State Farm Mutual Automobile Insurance Company, respectfully requests that this Honorable Court grant Motion to Vacate Reference to Magistrate Judge and Reassign Case to District Court Judge Cleland pursuant to FRCivP 73 and 28 U.S.C. §636(c).

Respectfully submitted,

Dated: February 1, 2007

s/ Raymond J. Williams  
**Hewson & Van Hellemont, P.C.**  
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(P68558)

**Certificate of Service**

I hereby certify that on February 1, 2007, I electronically filed the foregoing papers with the Clerk of the Court using the ECF System which will send notification of such filing to the following: Craig Aronoff, Esq.

Dated: February 1, 2007

s/ Raymond J. Williams  
**Hewson & Van Hellemont, P.C.**  
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Warren, MI 48093  
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(P68558)

**NOTICE OF HEARING**

PLEASE TAKE NOTICE that the attached Motion will be brought on for hearing before the Hon. Judge Robert Cleland in his courtroom located in the United States District Court, Eastern District of Michigan, Southern Division, at a date and time to be scheduled by the Court.

Dated: February 1, 2007

s/ Raymond J. Williams,  
**HEWSON & VAN HELLEMONT, P.C.**  
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